

REMARKS

Previously, claims 1-19 were pending. After the applicant has reviewed the office action from the examiner, the claims have been amended. In this office action, claims 1, 8, 11, 14 and 19 are amended. Claims 9, 15, and 18 are cancelled. Claims 2-7, 10, 12, 13, 16, and 17 remain the same.

In response to the examiner's comments in the office action, first, the applicant regards this invention as a lighted extensible spiral that collapses and secures upon a base. Campbell, Pat. No. 4,197,807 shows a collapsible traffic cone with a base portion. Campbell has a base portion of cylindrical shape open on the top face. The traffic cone, or spiral, collapses into the top face and the base portion contains the collapsed spiral upon the bottom face and within the cylinder's wall. The spiral has a reflective surface. Further, Campbell secures the spiral with a plate upon a centered rod and closed by a wing nut.

In contrast, the preferred embodiment of the present invention has a base of a narrow bar that lacks a bottom surface covering the entire footprint of the spiral and a wall upon the circumference of the spiral. The spiral of the present invention illuminates itself unlike Campbell that merely reflects headlights. And, the spiral of the present invention collapses and secures to the base without a central rod as in Campbell. The present invention secures with straps, threading on fittings and buttons, or a bayonet lock. To answer the examiner's objection, a FIG. 8 is included that illustrates the bayonet lock of the present invention.

Second, Barnard, Pat. No. 4,256,050 shows a collapsible marker cone of a coiled strip upon a base. Barnard has a base of planar shape, see claim 5, beneath and wider than the coiled strip. Upon collapsing, the coiled strip coils within itself upon the top of the base. In contrast, the preferred embodiment of the present invention has a bar shaped base that spans beneath only a portion of the spiral and does not extend beyond the spiral.

In conjunction with Barnard, Ybanez, Pat. No. 2,275,711, discloses a safety signal of telescoping frusto-conical sections. The signal has a tower shape hinged to a base. The sections collapse within one another upon the base. A strap attached upon one end to the base extends over the collapsed sections and secures to a notch upon the base. The strap secures the signal in a collapsed form.

However, the present invention has a strap attached to the cross brace generally in the center of the invention. Upon collapsing the spiral, the strap wraps over the top and the bottom planes of the collapsed spiral. Then the strap secures back to itself, usually with hook and loop fasteners.

Regarding claim 3, cylinders have the form of tubular regions bounded by parallel planar ends perpendicular to the tubular regions and both ends have the same width. Barnard and Ybanez have extended inventions with mutually parallel planar ends at an angle to the surface of the traffic signal and the ends have different widths. Ends at an angle to the surface and of different widths indicate a truncated conical shape. Though disclosing conical shaped traffic signals, Barnard and Ybanez do not disclose a cylindrical shaped signal as in claim 3 and Figure 3 of the present invention.

Third, Headley, Pat. No. 6,164,304, describes a collapsible umbrella contained by a strap using hook and loop fasteners. When the umbrella is not in use, the strap wraps and compressed the umbrella into a compact form with one end of the strap joined to the umbrella fabric and then connecting to the other end of the strap. The strap secures the ribs parallel to the center post by wrapping around the circumference of the collapsed umbrella and also parallel to the center post. In contrast, the present invention has a strap that wraps over two diameters of a collapsed spiral, across the center of the spiral, and perpendicular to the circumference of the spiral that is, it does not wrap around the circumference of the spiral.

Fourth, Rahman, Pat. No. Des. 421, 810 illustrates a light set for holiday use that stores flat and then expands as a spiral. The light set has a hook or shaft extending from the top and at the center of the spiral to suspend the light set as needed. The light set has wired lights upon the bottom surface of the bands of the spiral. The light set though lacks a base across the bottom of the spiral. In contrast, the spiral of the present invention terminates at the top with a cross brace but not a hook or shaft. The lights of the present invention attach to the side of the bands of the spiral and the spiral is supported upon a base across the width of the bottom.

In conjunction with Rahman '810, Shu, Pat. No. 6,109,764, describes an LED lamp and socket for light sets. For these LED lamps, electrical polarity is necessary for proper operation. The LED lamps must install one way only to match the polarity of the socket. Shu uses a cooperating rib on the LED lamp and a groove in the socket or flat surfaces on the lamp and the socket to insure one way installation. Though the present invention has illuminating means with LED in one embodiment, the present invention makes no disclosure nor claim to electrical polarity of the LED nor a means to attain such polarity.

Fifth, Shoemaker, Pat. No. 3,132,624, shows a collapsible signal device used to guide traffic. The device includes a collapsible cone upon a base and a battery box centered upon the base and beneath the cone. As the present invention shares electrical power from a battery with Shoemaker '624, claims 1, 8, 11 and 17 have been amended to include electrical power and its source as an element of the present invention.

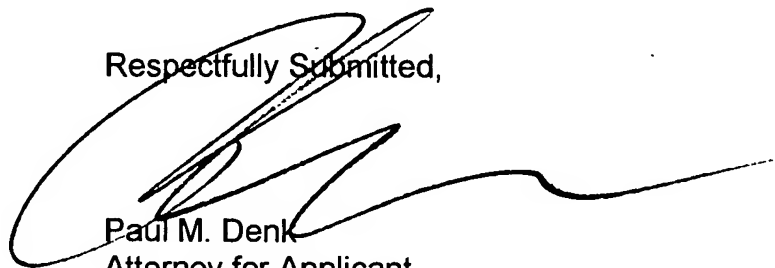
Sixth, Say, Pat. No. 5,335,622, describes an indicator cap for rinse agent compartments in dishwashers. The patent teaches a thumb pressed diaphragm to move rinse agent, passageways to move rinse agent within the cap, and a pair of lugs to install the cap one way only and then to secure the cap to the compartment.

In contrast, the present invention has matching circumferential threads upon the button, the fitting, or both. The threads allow rotation of the button to secure the spiral flat upon the base and to resist the expansive tendencies of the spiral. Further, the present invention relates to the field of traffic control devices while Say relates to the field farther away of dishwasher rinse agent dispensers. As the present invention shares threaded fittings with Say '622, claim 14 has been amended to include a bayonet lock.

This application as amended withstands the prior art as cited by the examiner, whether the prior art be applied individually, or in combination, for use either anticipating or rendering obvious the claimed subject matter of the applicant's invention. Thus, obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting that combination. See the cases of *Ex parte Beuther*, 71 USPQ2 1313, (Bd. Pat. App. & Int. 2003) and *In re Geiger*, 815 F2d. 686 (Fed. Cir. 1987).

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action by the examiner is respectfully requested.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Paul M. Denk', is written over the typed name and extends across the middle of the signature block.

Paul M. Denk
Attorney for Applicant
Pat. Off. Reg. No. 22,598
763 South New Ballas Road
St. Louis, MO 63141
(314)872-8136